

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, ) CASE NO. 05-421 M  
12 v. )  
13 JULIO PEREZ-GARCIA, ) DETENTION ORDER  
14 Defendant. )  
15

Offenses charged:

Count I: Distribution of Methamphetamine, in violation of Title 21, U.S.C., Sections 841(a)(1) and 841(b)(1)(A) and Title 18, U.S.C., Section 2;

Count II: Possession with Intent to Distribute Methamphetamine, in violation of Title 21, U.S.C., Sections 841(a)(1) and 841(b)(1)(A).

Date of Detention Hearing: August 29, 2005.

22 The Court, having conducted an uncontested detention hearing pursuant to Title  
23 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for  
24 detention hereafter set forth, finds that no condition or combination of conditions which the  
25 defendant can meet will reasonably assure the appearance of the defendant as required and  
26 the safety of any other person and the community. The Government was represented by

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1 Patricia Lally. The defendant was represented by Nancy Tenney.

2 The Government filed a Motion for Detention, to which the defendant stipulated  
3 reserving the right to re-open the matter of detention should circumstances of the defendant  
4 change.

5 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

6 (1) There is probable cause to believe the defendant committed the drug  
7 offense. The maximum penalty is in excess of ten years. There is  
8 therefore a rebuttable presumption against the defendant's release based  
9 upon both dangerousness and flight risk, under Title 18 U.S.C. §  
10 3142(e).

11 (2) Nothing in this record satisfactorily rebuts the presumption against  
12 release for several reasons:  
13 (a) The defendant poses a risk of nonappearance based on his  
14 unknown background information, his unknown or unverified ties  
15 to this district, and his immigration status.  
16 (b) Due to the nature and seriousness of the crime alleged, combined  
17 with the defendant's unknown background, release of the  
18 defendant would pose a risk to the community.  
19 (c) The defendant stipulated to detention.  
20 (3) Based upon the foregoing information which is consistent with the  
21 recommendation of U.S. Pre-trial Services, it appears that there is no  
22 condition or combination of conditions that would reasonably assure  
23 future Court appearances and/or the safety of other persons or the  
24 community.

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**It is therefore ORDERED:**

- (1) The defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) The defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which the defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and
- (4) The clerk shall direct copies of this order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 30<sup>th</sup> day of August, 2005.

*M. Bentan*

Monica J. Benton  
United States Magistrate Judge